



**CHIEF HIGH COURT JUDGE FOR NEW ZEALAND
TE KAIWHAKAWĀ MATUA O TE KŌTI MATUA
Justice Susan Thomas**

**CHIEF DISTRICT COURT JUDGE FOR NEW ZEALAND
TE KAIWHAKAWĀ MATUA O TE KŌTI-Ā-ROHE O AOTEAROA
Judge Heemi Taumaunu**

25 July 2023

To: All High Court Judges and Associate Judges
All District Court Judges, Acting Warranted Judges, Community Magistrates and
Judicial Justices of the Peace

Tēnā koutou

Wellbeing of the profession

We are taking the unusual step of writing to all judges and judicial officers to highlight issues about the wellbeing of the profession which have been brought to our attention. We do this at the request of the leaders of the profession and because of our own concerns.

A critical relationship

At our regular meeting with the profession leaders on 15 June 2023, the New Zealand Law Society alerted us to wellbeing concerns, particularly in respect of the family and criminal bars. We met the following week to hear those concerns in detail. At this 22 June meeting, and again at our regular July meeting with the profession, we heard that counsel across the country are under immense workload pressure and many are feeling stressed and overwhelmed.

Counsel are, of course, fundamental to the effective operation of the courts and their wellbeing is important to us. We were extremely concerned to hear of these issues and immediately communicated them to judges and registry staff.

Issues raised by the profession

Leaders of the profession tell us that:

- Practitioners feel they cannot meet the needs of clients, given their workloads and the pressure to address the volume of cases in our courts
- There is a fragility and tiredness across society which is reflected in legal practitioners

- Practitioners need time to adapt to new processes and procedures arising from the judiciary and legislation (such as the Sexual Violence legislation and the District Court Process Improvement Programme)
- Practitioners ask that judges consider the pressures on lawyers with high trial workloads and allow sufficient time between trials to prepare properly and to manage the psychological impact trial work can have
- Practitioners ask that judges consider the impact that requiring reassignment of lawyers in order to secure a fixture can have
- It is important that practitioners are able to take holidays and make other leave arrangements
- Practitioners experience further stress if they sense they are disappointing judges and the court

These stresses are causing some practitioners to remove themselves from the work, resulting in even more pressure on those who remain.

Challenges facing us all

The Justice sector is operating under challenging circumstances, with workforce shortages, loss of experienced personnel, remuneration issues and the toll of three years of COVID-19. Resourcing pressures impact matters such as timely disclosure, counsel having access to clients in custody, legal aid, and the provision of health and other reports. There is a growing shortage of criminal and family lawyers, particularly experienced ones. We are very conscious of the need to support the development of young lawyers and the future health of the profession.

These systemic difficulties impact us all. While we continue to improve court processes, many of these issues are outside our control. What we can do is listen and respond to that which is in our control.

Open communication

All of us have a collective commitment to serve justice. We have a duty to uphold the rights of defendants under the New Zealand Bill of Rights Act 1990, particularly those remanded in custody. We must also be cognisant of the importance to victims, whānau and the community of criminal offending, family and civil disputes being determined without undue delay. Of course we can only do so successfully if the members of our legal profession are healthy and productive.

We see open lines of communication between local judges and their local bar as a helpful measure to respond to the wellbeing concerns that have been expressed.

The Chief High Court Judge and List Judges are holding a series of civil and criminal stakeholder meetings in Auckland, Wellington, Christchurch and Hamilton to hear from the profession and to discuss measures the Court is adopting to improve case management.

In the District Court, Executive Judges and Criminal Liaison Judges have been asked to arrange meetings throughout the country urgently, to discuss counsel wellbeing issues and work through potential local solutions to relieve pressure on counsel. There is unlikely to be a one-size-fits-all solution.

We are taking the concerns that have been raised with us very seriously and will continue to work with leaders of the profession through our regular meetings.

We think it appropriate to draw these matters to your attention as it may help inform your future dealings with counsel. Thank you for your careful consideration of these issues.

Ngā mihi nui



Justice Susan Thomas
Chief High Court Judge



Judge Heemi Taumaunu
Chief District Court Judge

Copies to: Leaders of the profession